PRR-19-00031

City of Hermosa Beach
1315 Valley Drive, Hermosa Beach, CA 90254
310.318-0203 - Fax 310.372-6186
Email: recordsrequest@hermosabch.org

RECEIVED
APR 08 2019
CITY OF HERMOSA BEACH CITY CLERK

Received By: Tanesha H.
Referred To: CAO, CMO
Date Referred: 4/9/19

Public Records Request

The City of Hermosa Beach encourages public participation in the governing process and provides reasonable accessibility to all public records except those documents which are exempt from disclosure by express provisions of law or considered confidential or privileged under the law. The City is under no obligation to respond to requests which are not focused or specific. The City may withhold documents which are exempt from disclosure under state or federal law, including the attorney—client privilege or any other applicable privilege. The City, in accordance with Government Code Section 6253(b), has ten (10) days to respond to any request for public documents by indicating whether or not the documents exist and will be made available. Actual production of the documents may take somewhat longer depending upon their ease of availability and staff workload. To assist us in providing a timely response to your request, please fill out the form below and indicate the specific record/document you wish to review.

Name (please print): TONY HIGGINS	**Email:** tony.higgins123@gmail.com
Address:	**Phone:**
City:	**Fax:**

Record or Document Requested:
To assist the City with your request, please identify each requested record/document separately. Please be as specific as possible. Non specific inquiries may cause responses to be delayed or may prove to be burdensome and therefore the City may not be able to respond. (Additional sheets may be used) **Submit all requests to the City Clerk's Office.**

See Attached

Photocopies are $0.20 per page (Mailing fee, if applicable is $3.00 plus postage). Fees must be paid before records are released.

I agree to pay all applicable fees and charges per the City Council Resolution of Fees for any copies I request of the above mentioned document. *Accepted method of payment:* Cash or check. Credit card accepted in person only.

Signature **Date**

For Departmental Use Only:

Action Requested:
_____ *Review Only*
_____ *Copies Requested*

Action Taken:
_____ *Document Reviewed*
_____ *Copies Provided*
_____ *Refusal/Reason* _____

By _____ *Date* _____
_____ *Non-Existent Document*
_____ *Other (Please Explain)*

For City Clerk's Use Only:
Date Requestor Notified _____ *Notified By:* _____ *Date Picked Up or Mailed* _____

April 8, 2019

To: Ms. Linda Abbott
Deputy City Clerk, Hermosa Beach

From: Anthony Higgins
2705 Morningside Drive,
Hermosa Beach, CA., 90254-2121
tony.higgins123@gmail.com

Subj: Public Records Request – Anthony Higgins - Public Records Request 4/8/2019

Dear Ms. Abbott

I apologize for the delay in getting back to you with the search parameters for Item 1 of my 12/3/2018 PRR below, as we had agreed.

Item 1:

1. *Any emails, documents or meeting notes that explain why Herondo truck- route pictured below was selected for the Hermosa Avenue pavement project.*

Note: I'm specifically interested in information & documentation on safety, and/or quality of life factors that were considered in the selection of the Herondo-Route; not just the logistical factors. (i.e. the availability of a convenient staging area, etc.).

CITY RESPONSE TO MY12/3/2018 PRR:
No responsive documents found. The IT Department is doing an in-depth search for related emails....

End

Ms. Abbott, as we discussed, since the truck-route for the Hermosa Av Surfacing Project was determined by HB Public Works and it was NOT the most direct-route so it follows that the reasons for selecting this route must have been identified, discussed & documented.

However, Item 1 of my 12/3/2018 PRR yielded no search results other than emails I had sent.

This issue has still greater significance when one considers the construction truck route plan for the much larger Plaza Hotel project where up to 7500 heavy truck trips may be required.

Rather than going back and requesting the city provide the log-files for previous PRR EMAIL search-requests and working back , below I have provided specific search parameters that I believe will yield the records I am looking for.

Accordingly, if the City prefers, this request may be treated as a new PRR.

While the keyword-search parameters I provide below may seem somewhat exhaustive, the city is using Microsoft O365 client and the City has access to the Office 365 Security and Compliance Center on the Microsoft Office 365 US Government Community Cloud; so the actual keyword search should be relatively simple and straightforward: Office 365 Security and Compliance Center allows multiple keyword-searches to be concatenated into a single query.

NEW SEARCH PARAMETERS:

Search Window or Timeframe:
Two years from today's date.

Domains
ALL city-managed or city-owned domains including but not limited to @hermosabch.org and @hermosapolice.org

Accounts:
All user-accounts in ALL city domains including but not limited to city employees, contractors and consultants whose accounts were active anytime during the past two years, including all accounts that may have been inactivated OR deleted & archived during the two-year search window time-frame

Keywords Parameters [1]:

Document Type: ALL (see footnote 2)

All keyword searches are case *insensitive* using the NEAR keyword search operator:

NOTE: NEAR operator returns items with words that are near each other, where n equals the number of words apart. For example, best NEAR(5) worst returns any item where the word "worst" is within five words of "best"

NEAR (syntax)
keyword1 NEAR(15) keyword2

Example:
"Truck Route" NEAR (15) safety

Option:
Truck AND Route NEAR (15) safety

Note: quotation marks are meant to signify the Boolean AND operator. I am not searching for strings that include quotation marks.

The keyword-search-list below is meant to define the functional characteristics of the keyword-search, not the actual syntax of the search query.

START KEYWORD LIST:

"truck route" NEAR(15) safety
"truck route" NEAR(15) noise
"truck route" NEAR(15) vibration
"truck route" NEAR(15) hazard
"truck route" NEAR(15) pollution
"truck route" NEAR(15) EIR
"truck route" NEAR(15) FEIR
"truck route" NEAR(15) DEIR
"truck route" NEAR(15) safety
"truck route" NEAR(15) sidewalk
"truck route" NEAR(15) Higgins

truck-route NEAR(15) safety
truck-route NEAR(15) noise
truck-route NEAR(15) vibration
truck-route NEAR(15) hazard
truck-route NEAR(15) pollution
truck-route NEAR(15) EIR
truck-route NEAR(15) FEIR
truck-route NEAR(15) DEIR
truck-route NEAR(15) safety
truck-route NEAR(15) sidewalk
truck-route NEAR (15) higgins

27th NEAR(15) safety
27th NEAR(15) noise
27th NEAR(15) vibration
27th NEAR(15) hazard
27th NEAR(15) pollution

27th NEAR(15) EIR
27th NEAR(15) FEIR
27th NEAR(15) DEIR
27th NEAR(15) Plan Hermosa
27th NEAR(15) Plan-Hermosa
27th NEAR(15) safety
27th NEAR(15) sidewalk
27th NEAR(15) higgins
27th NEAR(15) 35703
27th NEAR15) 10.12.120
27th NEAR(15) All American Asphalt

AVP NEAR(15) 27th
fiesta NEAR(15) Gould
fiesta NEAR(15) 27th
truck route NEAR(15) Plan Hermosa
truck-route NEAR(15) Plan-Hermosa
enforcement NEAR(15) direct-route
enforcement NEAR(15) "direct route"

END

Request for Specific Inactive User Accounts:

Glen Kau - former Public Works Director
Sergio Gonzalez - former City Manager
John Jalili - former City Manager

These 3 individuals were in key leadership positions and their user accounts are likely to contain records related to how the city made its decisions related to Truck routes and truck-route safety, quality of life, health and property-rights decisions over the past two years. I trust that given these were key personnel in senior positions their email has been archived and not deleted.

Please note that as part of this PRR I specifically request the log-files [1] from this search that show the actual search-parameters used and the summary-results listing the number of search "hits" BY user account, in an unredacted file, as a means to audit the search-results I obtain under this PRR.

I trust that the city maintains and keeps records of all PRR initiated Email searches as a means of proving compliance with the State's Public Records laws anyway. In general, there should not be any confidentiality concerns related to these log-files since they only show the number of "matches" to a specific search-term associated to a specific user account, but the logs do not contain user-data beyond that.

Log-files are a standard feature of the cities Office 365 Security & Compliance Center record search utility.

Note: The City's IT analyst should be able to concatenate these searches into 1 or 2 queries, reducing the labor and run-times.

Also, please note that the above keyword-searches are for *message-text*. That is, this search is not a "subject" line search. It is a search of the **body or text** of documents or emails.

Finally, as part of this PRR, please provide me with the system-privilege level of the IT analyst(s) performing these searches to confirm that the analyst has the necessary system privileges to search all documents. Inadequate system privileges can result in incomplete search results.

Thank You,
Anthony Higgins

ATTACHMENT A

FOOTNOTES

Footnotes

[1]

[2] KIND operator

The type of email message to search for. Possible values:
contacts
docs
email
externaldata
faxes
im
journals
meetings
microsoftteams (returns items from chats, meetings, and calls in Microsoft Teams)
notes
posts
rssfeeds
tasks
voicemai

https://docs.microsoft.com/en-us/office365/securitycompliance/keyword-queries-and-search-conditions

Attachments B

MESSAGE FROM CITY CLERKS OFFICE RELATED TO Item 1 of my 12/3/2018 PRR:

On Mar 6, 2019, at 4:28 PM, Records Request <recordsrequest@hermosabch.org> wrote:

Hello Mr. Higgins,

I apologize for this taking so long. Please provide the following information:

IT email search terms/keywords
IT email addresses
IT emails date range

I just received results of our IT search for your 12/24/18 Public Records Request but they are all emails from you, so I know that is not right.

I will find out what information IT used previously.

In the meantime, if you have lingering questions about the Project, or anything else, I suggest you send them to Lucho Rodriguez, Acting Public Works Director,

who is Cc'd above, or that you call him at 310.318.0210, as back and forth/question and answer is not a Public Records Request.

I will work on getting this done for you ASAP.

My sincere apologies,

Linda Abbott
Deputy City Clerk

Attachment C

Correspondence to CITY OUTLINING THE REASONS I QUESTIONED THAT ITEM 1 of my 12/3/2018 PRR YIELDED NO RECORDS:

It's simply hard to believe no records are available on the purpose behind why the route pictured above and provided to me by the city was selected for the Hermosa Ave pavement project.

It is a circuitous route and there simply must have been justifications for it that were discussed and documented.

My sense is at least a portion of the justifications were safety and quality of life related.

Speaking frankly, the city may not want the reasons this route was selected in the public domain because it could influence future actions, but government transparency on how decisions are made is a central purpose of the California Public Records Act

- Did the city ask Mr. Rodriguez for any documents or notes that may shed light on this question?
- Have the email searches I requested pursuant to the 12/3/2018 related to the above request been completed?
- Was safety discussed as a justification for the Herondo route that bypasses 27th Street? Given 27th streets narrow roadway where large trucks can run inches from a narrow-obstructed telephone pole obstructed sidewalk; I believe this would make sense
- Was excessive noise discussed as a justification for the Herondo route? Given 27th streets extremely close proximity to homes on the westbound side; I believe this would make sense.
- Was excessive vibration to nearby homes discussed as a justification for the Herondo truck-route for the Hermosa Ave project? I believe this makes sense because of the failing roadway. Please consider the 71 potholes that were recently patched and the 40 or so 2-4-inch-wide transverse curb to curb cracks that Public Works was aware of at the time the route was selected and still exist today.

I choose to believe that public works competently considered all of these factors when they choose to bypass 27th Street and use the rather circuitous Herondo route for the Hermosa Ave project.
Yet almost 2 1/2 months after my California Public Records Act (CPRA) request the city has been unable to find any records of why the route pictured above was selected.
END MSG